

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 10/733,810

Attorney Docket No. Q78953

AMENDMENTS TO THE DRAWINGS

Please replace Figs. 10 and 12 with the attached Replacement Sheets. In the Replacement Sheets, the reference numeral for the “TEXT OBJECT” in Fig. 10 has been changed from “103” to “100,” and the reference numeral for the “OBJECT INFORMATION OUTPUT MEANS” in Fig. 12 has been changed from “32” to “33.”

Attachment: Replacement Sheets

REMARKS

Claims 1-6 have been examined, and claims 7-13 have been withdrawn for being directed to a non-elected invention. Of the examined claims, claims 1-6 have been rejected under 35 U.S.C. § 112, second paragraph, claims 5 and 6 have been rejected under 35 U.S.C. § 101, and claims 1-6 have been rejected under 35 U.S.C. § 103(a).

I. Objection to the drawings

The Examiner has objected to the drawings because (1) they do not show reference numerals “33” and “100” described in the specification and (2) each of the reference numerals “32” and “103” designates two different items in the drawings. Applicant submits that the amendments to Figs. 10 and 12 overcome the objections.

II. Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-6 have been rejected under 35 U.S.C. § 112, second paragraph, because they are allegedly indefinite.

A. Claim 1

With respect to claim 1, the Examiner contends that the use of the term “can” in the judging operation renders the claim indefinite because it does not imply that a disagreement will occur but instead implies that a disagreement may possibly occur. Applicant respectfully submits that the phrase “can” clearly defines the metes and bounds of the invention and satisfies the requirements of 35 U.S.C. § 112.

For example, as described in the present application, an illustrative, non-limiting embodiment comprises an analysis means 31, which analyzes whether a document comprises

tags that may possibly create a disagreement between the order in which coordinate positions of objects are determined and the order in which images of objects are formed. If there is a possibility that a disagreement may occur, the embodiment sequentially performs various processing. (*See, e.g.*, page 10, line 31, to page 11, line 5; page 11, lines 11-16). On the other hand, if there is no possibility that a disagreement may occur, the embodiment performs various processing in parallel. (*See, e.g.*, page 11, lines 17-25).

As described in the specification, the exemplary embodiment judges whether or not tags contained in a document can possibly cause a disagreement. Thus, the non-limiting embodiment does not necessarily determine if a disagreement definitely will occur. In other words, tags that may possibly cause a disagreement do not always cause such a disagreement.

In claim 1, the method judges whether a document comprises tags which “can” cause a disagreement. While this language is broad enough to cover a situation in which a method determines if the tags will cause a disagreement, it is also broad enough to cover the exemplary embodiment in which the method determines if the tags can possibly cause a disagreement. In fact, the Examiner seems to recognize this broad scope by stating that the language “does not imply a disagreement will occur, just that it **can** occur.” (Page 5 of Office Action (emphasis in original)).

While the scope of the claim language is broad, it is not unclear, and the breadth of the claim should not be confused with indefiniteness. M.P.E.P. § 2173.04. In other words, a method that judges if a disagreement can possibly occur falls within the scope of the limitation, whereas a method that does not determine if a disagreement is possible does not fall within the scope of

the claim. As such, Applicant submits that the claim language is clear and definite to one skilled in the art.

With respect to the remaining grounds for rejecting claim 1, Applicant submits that the amendments to the claim overcome them.

B. Claims 2-6

Applicant submit that the amendments to claims 2, 3, 5, and 6 and/or arguments similar to those presented above in conjunction with claim 1 overcome the rejection of these claims.

III. Rejection under 35 U.S.C. § 101

Claims 5 and 6 have been rejected under 35 U.S.C. § 101 for being directed to non-statutory subject matter. Applicant submits that the amendments to the claims overcome the rejection.

IV. Rejection under 35 U.S.C. § 103(a) over U.S. Patent No. 6,377,354 to Nguyen et al. (“Nguyen”) and W3Schools, “HTML Tutorial: Welcome to HTML School” (“W3Schools”)

Claims 1-6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nguyen and W3Schools.

A. Claim 1

Applicant submits that claim 1 is patentable over the references. For example, the claimed method judges whether a document comprises tags which can cause a conflict between the order in which coordinate positions of objects are determined and the order in which images of objects are formed. If the document comprises tags which can cause a conflict, the method performs control such that processing to form images is executed after completing processing to

determine coordinate positions. On the other hand, if the document does not comprise tags which can cause a conflict, the method performs control such that processing to form images is initiated before processing to determine coordinate positions is completed.

The Examiner maintains that Nguyen discloses a system that determines if a text object overlaps a graphics object. In Nguyen, if the text and graphics objects overlap, the system forms an image by redrawing the text object as part of the graphics object. On the other hand, if the objects do not overlap, the system merely prints the text and graphics objects as separate objects. (Abstract).

However, Nguyen does not determine if a document comprises tags which can cause a conflict between the order in which coordinate positions of objects are determined and the order in which images of objects are formed. Furthermore, the reference does not further suggest that, if the document comprises such tags, controlling processing to form images after completing processing to determine coordinate positions and that, if the document does not comprise such tags, initiating processing to form images before processing to determine coordinate positions is completed.

Furthermore, in the method in claim 1, if the document does not comprise tags which can cause a conflict, the formation of images is initiated before completely determining coordinate positions of objects. As such, an embodiment of the method can begin printing the images before all of the coordinate positions of objects has been determined, and thus, the throughput of the embodiment is substantially increased.

On the other hand, in Nguyen, the method may potentially erases a text object from a bitmap buffer at anytime during the processing of print data. (Fig. 3B (step 154); column 7, lines 26-36). Therefore, the reference teaches that the disclosed printer cannot begin printing any portion of an image until it has completely processed all of the objects in the image.

Since W3Schools does not cure the deficient teachings of Nguyen, Applicant submits that claim 1 is patentable.

B. Claim 2

Since claim 2 contains features that are similar to the features discussed above in conjunction with claim 1, Applicant submits that claim 2 is patentable for at least similar reasons.

C. Claims 3 and 4

Since claims 3 and 4 depend upon claim 1 or 2, Applicant submits that they are patentable at least by virtue of their dependency.

D. Claims 5 and 6

Since claims 5 and 6 contain features that are similar to the features discussed above in conjunction with claim 1, Applicant submits that they are patentable for at least similar reasons.

V. Newly added claims

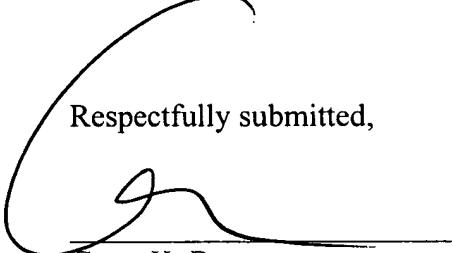
Applicant has added new claims 14 and 15. Since such claims contain features that are similar to the features discussed above in conjunction with claim 1, Applicant submits that they are patentable for at least similar reasons.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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